

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:14-CR-58-FL

UNITED STATES OF AMERICA,        )  
  )  
                  Plaintiff,            )  
  )  
                  v.                    )  
  )  
                  AVIN MARSALIS BROWN and        )  
                  AKBA JIHAD JORDAN,            )  
  )  
                  Defendants.            )

ORDER

This matter comes before the court of its own initiative, upon review of the docket pertaining to the classified motion filed August 22, 2014, by the government, pursuant to section 4 of the Classified Information Procedures Act ("CIPA"), and this court's scheduling orders (DE 52, 61). In balancing the public's right to know versus the necessity for safeguarding classified information pursuant to CIPA, as the court requires, notice was provided by the government, it appears, that on August 22, 2014, the deadline for such filing, a classified motion was, in fact, filed by the government under section 4.

Section 4 provides in pertinent part that "[t]he court, upon a sufficient showing, may authorize the United States to delete specified items of classified information from documents to be made available to the defendant through discovery under the Federal Rules of Criminal Procedure, to substitute a summary of the information for such classified documents, or to substitute a statement admitting the relevant facts that classified information would tend to prove." Like Rule 16(d)(1) of

the Federal Rules of Criminal Procedure, section 4 provides that the Government may demonstrate that the use of such alternatives is warranted in an *in camera*, *ex parte* submission to the court.

However, it is odd that no document is associated with that notice appearing on the docket August 22, 2014, nor is it clear to the court that the statement on the docket is visible to the public. To rectify this, if not already done, the government shall tender to the clerk a copy of its notice appropriately describing that filing made, which the clerk is directed to attach and index by number on the docket as it relates to the event occurring on August 22, 2014.

Hereinafter, any classified filing made through the Classified Information Security Officer (“CISO”), pursuant to CIPA, shall be noted by the filing party as having been made on a particular day, through a notice appropriately describing same, which is indexed on the docket, and visible to all.

SO ORDERED, this the 28th day of August, 2014.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style.

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LOUISE W. FLANAGAN  
United States District Court Judge